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CRITICAL DEBATE ARTICLE

# David Miller's theory of redress and the complexity of colonial injustice

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## Abstract

David Miller has provided one of the most fully-fledged and sophisticated theories of redress for historical injustice. In this paper we analyse his view and we demonstrate how his account of redress reveals some difficulties when it comes to offering redress for past injustices that are characterised by complex and interrelated structures, such as colonialism. This is because Miller would repair the colonial injustice through a 'correspondence model of redress', according to which redress should be obtained by identifying the type of reparations that corresponds to the nature of the past injustice at stake. By focusing on the case of colonial injustice, we show how a correspondence model of redress, like the one developed by Miller, is not fully equipped to theorise what redress for colonialism should amount to. The aim of the paper is not to prove Miller's theory true or false, but rather to point at some of the shortcomings that its application to real cases of historical injustice would run into. Despite its sophistication, Miller's theory does not acknowledge with sufficient depth the complexity of colonial injustice and its implications for thinking about redress. Such a complexity not only makes redress more difficult to be achieved through Miller's correspondence model but also it brings to the forefront concerns about the process whereby redress is reached.

**Keywords:** *David Miller; historical justice; colonialism; redress/reparations*

In the debate about historical injustice, there has been a shift from an individualistic conception, which evaluates whether responsibility for past wrongs and entitlements to reparations can be passed on to the descendants of, respectively, the original perpetrators and victims to a collective understanding, which focuses on collective agents, such as nations, as the proper entities that should be held responsible for injustices that occurred in the past.

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One of the most influential and well-thought-out accounts of what collective responsibility for historical injustice entails has been developed by David Miller. The aim of this paper is to examine his theory of redress in light of a consideration of the complexity that some of the most serious injustices committed by nations in the course of their history display. Our claim is that taking the complex nature of such injustices into account has important implications for the way in which their reparation should be determined.<sup>1</sup> In order to clarify this idea, our discussion focuses on colonialism as a paradigmatic case of complex historical injustice. We explain how we understand what constitutes the complexity of colonialism and we show the difficulties that Miller's theoretical framework encounters in arriving at a form of redress for colonial injustice. In particular, we argue that in cases of complex historical injustices the principle of redress should not simply identify the proper form of reparations for the historical injustice at stake, as Miller seems to suggest, but it should also include a consideration about the *process* through which redress is established.

The aim of the paper is not to prove Miller's theory true or false, but rather to point at some of the shortcomings that its application to real cases of historical injustice would run into. Despite its sophistication, Miller's theory does not acknowledge with sufficient depth the complexity of colonial injustice and its implications for thinking about redress. This strikes us as a significant underestimation given that his liberal nationalism would seem well-equipped to deal with colonial injustice, especially considering the emphasis it places on recognizing the importance of national self-determination, which colonialism is the denial of.

The paper unfolds as follows. We first outline Miller's account of redress for historical injustice by highlighting how it proceeds through a sort of *correspondence model*, according to which an appropriate form of reparation corresponds to a type of past wrong. We then present and analyse colonialism as a particularly complex case of historical injustice committed by nations over their history. In our last section we show how Miller's correspondence model of redress is not fully equipped to theorise what redress for colonialism should amount to.

## RECONSTRUCTION OF MILLER'S ACCOUNT OF HISTORICAL JUSTICE

Miller's account of historical justice focuses on how nations inherit responsibility for their past actions. This means that the units of moral concern he has in mind when discussing redress for historical injustice are nations, which are understood as *historical and ethical* communities.

Nations, Miller thinks, exist as *ethical* communities consciously and actively created by a body of persons who inhabit a common territory and continuously reinterpret and reshape their common identity. However, nations are distinct from states because nationals identify with the deeds of their ancestors as their own, thus displaying a *historical* continuity that is unavailable to the state.<sup>2</sup> It is because their members share a public culture, participate in the continuous reshaping of national identity and behave in a way that can be linked—though not entirely assimilated—to their common

membership that nations can be conceived as *collective agents* who are responsible for their actions.<sup>3</sup> In particular, Miller believes that this collective responsibility extends to the national past, thus encompassing an obligation to redress the wrongs that nations have committed over their respective histories.<sup>4</sup> Note also that he conceives of a nation's inherited responsibility for its past wrongs as having *intrinsic* value: it is an obligation of justice, which started in the past and is still valid in the present, independent of the current conditions of those who suffered from such wrongs.

In his analysis of national responsibility for historical injustice, Miller not only identifies the responsible agents (i.e. nations) but also explains what their responsibility entails. It is the combination of these two aspects that forms his theory of redress for historical injustice. In what follows we will not criticise Miller's account for its emphasis on nations as the relevant responsible agents. We will instead focus and test the second fundamental aspect of his theory, that is, the way in which he theorises what redress amounts to, in order to show that, in the cases of complex past injustices, arriving at redress is less straightforward than Miller suggests and it also needs to be supplemented by a concern about the process through which it is obtained. To do so, we first offer a reconstruction of how Miller thinks redress for historical injustices should be achieved, and, in the next sections, we test the persuasiveness of this framework through the case of colonial injustice.

In order to establish what national responsibility for past injustices demands, that is, what obligations of justice it generates, Miller adopts a simple formula; he asks what the nature of the injustice under consideration is and, on this basis, he identifies a specific type of redress.<sup>5</sup> According to his framework, therefore, one has to analyse the form of injustice that occurred in the past in order to specify which type of redress is the most appropriate to repair that injustice and will thus fulfil national historical responsibility.<sup>6</sup> Call this *the correspondence model*: redress is obtained by identifying the type of reparations that correspond to the nature of the past injustice at stake. Miller's formula also suggests how important it is for the form of redress to track the wrongness of the past injustice. It is not enough that nations take responsibility for the injustices they committed over their history by providing *some* form of redress; they must discharge their inherited responsibility by offering *the* type of redress that captures the wrongness of the injustice, and that successfully repairs it.

Now that Miller's rationale is clear, we are in a position to introduce the four different forms of past injustices he discusses and their corresponding types of redress.<sup>7</sup> The table below summarises them according to Miller's formula (Table 1).

As a first observation, let us draw our attention to the second form of past injustice Miller considers. Unjust enrichment (II) seems to represent an ambiguous and potentially problematic form of past wrong for the application of the correspondence model because it presents us with an injustice for which it is hard to identify the correlative type of redress. The reason is that the principle of restitution that would normally apply in cases of wrongful appropriation is here discarded by the uncertainty about what (and to what extent) should be the object of the restitution. Miller suggests that the only way out of this uncertainty is to refer to a theory of exploitation that is able to define the benefits acquired by the nation through its wrongdoing and

Table 1. Taxonomy of Miller's forms of past injustices and correlative forms of redress

| Nature of past injustice  | Type of redress          |
|---|--------------------------|
| (I) Wrongfully acquired property (e.g. land and artefacts)  | Restitution              |
| (II) Unjust enrichment such as exploitation (e.g. slavery)  | Undetermined restitution |
| (III) Wrongdoings for which there was either (i) no actual benefit on the part of the wrongdoer (e.g. internment of Japanese Americans) or (ii) no present value to the goods that were the objects of the wrongdoing (e.g. cocoa)  | Monetary compensations   |
| (IV) Wrongdoings for which the nature of the wrong remains unclear or for which it cannot be established whether the wrongdoer benefitted from her actions, and/or how and the extent to which victims were harmed (e.g. massacres) | Public apology           |

the extent to which it disadvantaged the victims. Until such theory is adopted or developed, redress for (II) remains undetermined. Rather than calling the validity of his correspondence model into question, Miller's proposed solution to deal with wrongs of type (II) proves his framework successful even in cases for which reparations cannot be straightforwardly determined (for example through the restitution of the stolen goods). Although this strikes us as a point worth highlighting, we want to consider a second observation concerning the forms of past wrongs identified by Miller. In particular, we would like to suggest that there appears to be a *qualitative* difference between the forms of past wrongs listed in the table above. Although Miller does not discuss this difference in any explicit way, we think it is possible to group categories (I), (III) and (IV) as capturing past injustices *qua* instances of a single wrongdoing (or episodic injustice). Category (II), instead, seems to point at a form of injustice, like slavery, that cannot be reduced to any specific action (e.g. wrongful appropriation) or episode (e.g. massacre), but rather refers to a system of norms and social processes constituting the injustice. In this sense, category (II) seems to encompass past injustices that displayed a structural nature in the way that Catherine Lu has defined them, that is, as historical injustices that 'involved not simply wrongful acts by individual or state perpetrators. They also relied on social structural processes that enabled and even encouraged individual or state wrongdoing, and produced and reproduced unjust outcomes'.<sup>8</sup>

Having laid out the underlying rationale of Miller's account of historical justice, we now turn to its evaluation, focusing especially on its ability to deal with real cases of historical injustice. To this end, we draw our attention to *colonialism*. Because colonialism is a paradigmatic case of historical injustice committed by nations, we think it offers the best ground for assessing Miller's account of inherited national responsibility.

## CONCEIVING COLONIALISM AS A COMPLEX HISTORICAL INJUSTICE

Colonialism can be broadly identified with the European-inspired project involving the subjection of one people or nation to another,<sup>9</sup> which took place from the

sixteenth to the twentieth centuries and ended with the national liberation movements of the 1960s.<sup>10</sup> As recently argued by Lu, colonialism should be understood mainly as a structural injustice because it was the result of a system of international structural processes and practices that legitimised and sustained colonial rule.<sup>11</sup> To say that colonialism cannot be reduced to the single instances of wrongs perpetrated by the colonisers is not to deny that colonial rule entailed the wrongful appropriation of land, resources, and artefacts (e.g. the Koh-i-Noor diamond seized by the Empire's East India Company as one of the spoils of war that was presented to Queen Victoria in 1850). Neither is it meant to suggest that colonial conquest and rule were not characterised by violent episodes, such as massacres (e.g. the British slaughter of a crowd of non-violent protesters and Baisakhi pilgrims gathered in the Jallianwala Bagh garden in Amritsar on 13 April 1919). However, these instances of wrongs should be recognised as part of a broader system, which allowed the subjection of the former colonised in their everyday interactions with their colonisers. In other words, it seems possible to say that, even in the absence of instances involving the misappropriation of artefacts or the perpetuation of massacres, the injustice of colonialism occurred through a system of rules and social processes involving the *continuous* and *day-to-day* foreign subjection of the colonised.

Note that once we recognise the systemic nature of the colonial injustice, we are also able to reveal its *complexity*.<sup>12</sup> This is because the colonial system was characterised by different yet interconnected structures that reinforced each other, thus enabling and sustaining the subjection of the colonised over time. In order to clarify this point, let us consider which kinds of different structures converged and in what sense the complexity of the colonial injustice was the result of this convergence.

First, as the majority of the normative and empirical literature on colonialism suggests, colonial systems featured an economic structure, which entailed the *exploitation* of the resources and labour of the colonised. This is a widely accepted interpretation even in spite of disagreements about the best way to understand the dynamics characterising colonial exploitation.<sup>13</sup>

Second, colonial systems were enabled through the establishment of unequal *political* relations. As Lea Ypi has recently argued, colonialism created and upheld 'a political association that denie[d] its members equal and reciprocal terms of cooperation'.<sup>14</sup> That is, colonial rule established a political structure between the colonisers and the colonised that was based on the political domination of the former over the latter.<sup>15</sup> It was through the building of dominative and oppressive political institutions that colonising nations could continuously exploit the resources and labour of their colonies.

Third, colonialism was maintained over time through a systematic *cultural* injustice. Rajeev Bhargava reminds us that a cultural injustice occurs when a group is denied access to its own culture. It is a kind of injustice committed in particular against collective agents because it entails destroying or coercively changing 'the collectively sustained system of meanings and significance by reference to which a group understands and regulates its individual and collective life'.<sup>16</sup>

The cultural injustices perpetrated during the colonial era were manifold. To begin with, the local cultures were either completely destroyed (especially in Africa) or coercively changed (as in the case of India); in many cases, elements of the indigenous culture that were fundamental to the national identity of the colonised were marginalised in order to promote the values and customs of the colonisers. In addition, colonising nations often created and/or reinforced social and cultural divides among the colonised, thereby exacerbating existing inequalities and promoting internal conflicts. Consider, for example, how the divide between the Hutus and Tutsis in Rwanda was widened and became a central categorisation through the intervention of German and Belgian colonial rulers. By placing Tutsis in positions of power and introducing racial hierarchies between the two ethnic groups, the colonisers restructured the system of meaning and significance in their colony to such an extent that the differentiation between the two groups gave rise to one of the cruellest genocides of the twentieth century.<sup>17</sup>

Fourth, the cultural injustices of colonialism led also to the establishment of significant *psychological* structures, which strengthened the power of the colonisers and were subsequently internalised by the colonised. By destroying or devaluing the culture of the colonised nation, colonisers constantly remarked their alleged superiority over the colonised. The historical injustice of colonialism thus entailed a full dominion over the mind of the colonised.<sup>18</sup> As Ashis Nandy powerfully argues about British rule in India, colonialism created ‘a culture in which the ruled are constantly tempted to fight their rulers within the psychological limits set by the latter’.<sup>19</sup> Similarly, Edward Said depicts colonialism as ‘homogenizing and incorporating a world historical scheme that assimilated non-synchronous developments, histories, cultures, and peoples to it’.<sup>20</sup>

Knowing the cultural and psychological dimensions of colonial injustice is essential to understand its wrongness because they helped to justify and sustain the colonial system in the first place, as many postcolonial theorists have argued. Another way to say this is that the economic exploitation and political domination of the colonised were made possible by the existence of systems of knowledge and cultural representation developed in the ‘motherland’.

Note that by highlighting these connections, we are not claiming that some of the structural processes that enabled colonialism should play a greater role in defining it as a systematic injustice. Similarly, we are not suggesting that certain structures should take priority when it comes to establishing the appropriate form of redress for colonialism. At this stage, our observations are simply meant to point out the need to acknowledge the overlap and interrelation of different structures as a feature characterising the complexity of colonial systems and their injustice. As we explain in the next section, this understanding of colonialism becomes a crucial element of the way in which we theorise its redress not only because it reveals the difficulties involved in finding an appropriate form of redress for such a complex and systematic injustice, but also because it brings to the forefront the often neglected dimension of the *process* through which redress is established.

## REDRESS FOR COMPLEX HISTORICAL INJUSTICES

When colonialism is theorised as a systematic injustice characterised by a complexity of structural processes, what implications are there for the way in which we approach the issue of redress? And, more specifically, how successful is Miller's correspondence model in dealing with redress for colonial injustice understood in this way? This section develops three critical remarks regarding the adequacy of Miller's proposed theoretical framework to address instances of complex historical injustices. The aim of our discussion is not to discard Miller's theory, but rather to point at some omissions or difficulties that he should consider.

Let us begin with a question: why is it that Miller does not focus on colonialism as a paradigmatic case of past injustice, which his account of redress is meant to rectify? To be sure, the problem of colonialism emerges in his work, but only in the context of a discussion about a nation's *remedial* responsibility. When evaluating the kinds of considerations that may trigger a nation's remedial responsibility to correct the state of deprivation in which another nation finds itself, Miller is sceptical about the possibility of drawing a strong enough connection between colonial injustice and present poverty to ground such a responsibility.<sup>21</sup> In any case, Miller does not think that national responsibility for historical injustice is mainly of the remedial type; rather than being triggered by present deprivation, national responsibility for historical injustice is grounded in the need to rectify a wrong that was brought about by a specific nation.<sup>22</sup> When it comes to discussing how to rectify historical injustices, however, Miller remains silent about colonialism. This omission strikes us as puzzling for at least two different reasons. First, colonialism was far from being a marginal or isolated phenomenon; as Robert Young observes, 'by the time of the First World War', colonial nations 'occupied, or by various means controlled, nine-tenth of the surface territory of the globe'. It is therefore very strange that a theory about redress for national past injustices would not include a detailed discussion about colonialism. Second, this omission becomes particularly surprising in light of Miller's broader liberal nationalist account. From within liberal nationalism, a concern for the injustice of colonialism is quite easily expressed as a concern for the denial of national self-determination that it entailed. Insofar as Miller is able to recognise this, one would expect his theory of national responsibility for historical injustice to start from (or at least centre on) the paramount injustice of colonial rule. The fact that Miller does not proceed in this way appears as an anomaly.

One possible explanation for omitting a thorough treatment of colonial injustice could be that Miller wanted to be as parsimonious as possible in developing his account of redress. As we have shown in the first section, his correspondence model is devised around a rather simple formula that enables one to establish what is owed to the victims of past injustices in a rather straightforward way. The case of colonial injustice, however, would not seem to fit so easily into Miller's correspondence model. This is because colonialism was a systematic complex injustice, which was constituted by interconnected structural processes and not merely by the instances of wrongs committed under colonial rule. Understanding colonialism in this way requires that



the principle through which redress is established be sensitive to repairing both the single instances of wrongs as well as the structures under which these wrongs were justified. In other words, one needs to think of redress as offering a reparation to the systematic structure(s) that the colonising nations created and upheld, rather than just offering compensation for the instances of wrongs they committed.<sup>23</sup>

On the face of it, Miller's correspondence model could accommodate this insight. As we have noticed in the first section, his theory of redress draws, albeit implicitly, a qualitative distinction between 'systemic' injustices and episodic wrongs. Accordingly, one could claim that redress for colonialism under Miller's framework would not just demand the application of the principle of restitution to deal with instances of (I) and public apology to deal with instances of (IV),<sup>24</sup> but it would further (or especially) entail determining the appropriate form of reparation for the structures of exploitation that characterised colonialism as an unjust economic system (II). That seems correct. However, as soon as we make this move and we try to identify the appropriate form of reparation for colonialism understood as a complex systemic injustice, which was created and maintained by interrelated unjust social structures, the application of the correspondence model may present some difficulties. That is, once we recognise the systemic nature of the colonial injustice and we consider redress for its exploitative economic structure, we must also recognise the complexity brought in by its interrelation with other kinds of unjust structures. How can we do this through the correspondence model?

The answer would be to broaden category (II) and to include those other (political, cultural, and psychological) structures that, together with the economic exploitation of the labour and resources of the colonised, were crucial to the daily perpetuation of the colonial system. This, one would argue, could be easily done, as there is no principled reason for thinking that (II) should be limited to economic exploitation.<sup>25</sup> However, once category (II) is broadened, Miller's correspondence model would still need to establish what form of redress would be most appropriate for the colonial injustice understood in the systemic sense. Two options seem available here, but they both reveal their own difficulties. On the one hand, Miller could try to identify a form of redress for each of the structural processes that characterised the colonial system. So, in addition to developing a theory of exploitation that identifies the gains that the colonising nation achieved by exploiting the colonised nation and the extent to which the colonised nation was disadvantaged through the exploitation of its resources and labour, one would also need to elaborate a theory of, say, psychological domination that is able to determine the harm done to the colonised through processes such as that of the internalisation of racial hierarchies. Evidently, this would result in a very demanding theoretical enterprise because the colonial system was comprised of different unjust structural processes, each of which was characterised by complicated dynamics.

On the other hand, Miller could propose a 'unified' theory of colonial injustice that is able to indicate the appropriate form of redress for the colonial system as a whole. Even in this case, however, the difficulty of elaborating such a theory should not be underestimated; the theoretical framework should at once recognise colonialism as a

day-to-day unjust system while being sensitive to the ways in which the different (economic, political, cultural, and psychological) structures interrelated to maintain colonial rule.

One clarification worth making at this point is that we are not claiming that a theory of redress for colonialism should offer reparations for all the unjust structures of the colonial system in order to be valid. If this seems like what is required of a theory of redress, it is because we are working within Miller's correspondence model, according to which redress should be determined by tracking the form of reparation that corresponds to the nature of the injustice at stake. This is the reason why the theory runs into the difficulties outlined above in determining redress for historical injustices like colonialism. In other words, the simple formula that Miller has devised to determine redress for past wrongs turns out to be not so straightforward when applied to complex injustices such as colonialism. At the same time, the problems of the correspondence model cannot simply be bracketed because, as we have already noticed, colonialism was neither an isolated phenomenon nor a type of past injustice that a liberal nationalist could light-heartedly dismiss as insignificant.<sup>26</sup>

A final remark regarding recognising colonialism as a complex unjust system made up by different yet interrelated structures is that such an understanding brings to the forefront an important aspect of what repairing complex historical injustices should entail. This is a concern for the *process* whereby redress is established, which cannot be grasped if we merely focus on its *content*. In particular, when we try to establish redress for historical injustices that were structural and systematic, we need to avoid reproducing the same structures we want to repair.

The significance of this point can be immediately appreciated by considering the cultural and psychological structural processes that characterised colonial rule. Precisely because colonialism was not simply an economic or political wrong but also a system whereby economic exploitation and political domination were maintained through the continuous denigration of the value of the colonised and the establishment of racial hierarchies with long-standing effects, there is always the risk for a new encounter between the former coloniser and the colonised to reactivate (at least partially) these psychological structures. The seriousness of the psychological structures of colonialism, and of their legacy, prompts a concern for the way in which the form of redress should be established.

Redress for colonialism (and for historical injustices with structural components) is not merely constituted by a form of reparation that can repair the past injustice, but it also involves devising a process that forestalls the potential reactivation of the structures of colonial oppression. Therefore, the way in which redress is achieved becomes a crucial element of historical justice. In brief, a theory of redress for colonialism should be comprised of three elements:

1. the allocation of responsibility for redress on the relevant agents;
2. the identification of the content of redress (or at least, of the principles whereby redress is determined); and

3. the selection of a process through which the form of redress (or its guiding principles) can be established without reproducing the structures that maintained the colonial system and still represent its traumatic legacy.

Miller's account of redress as it stands does not mention (3), although it provides (1) and offers a model for (2), which, however, has turned out to be in need of some adjustments in the case of colonialism. To redress colonial injustice, Miller's theory should not only face the complications that a correspondence model for determining reparations encounters when dealing with complex and systemic past injustices. It must also address the question over the very process of redress as a fundamental component of what repairing colonialism entails.<sup>27</sup>

## CONCLUSION

This paper has provided an examination of David Miller's account of national responsibility for historical injustice. According to what we called his correspondence model, redressing historical injustices requires understanding their nature. When we have an interpretation of what the past injustice was about, redress demands that we provide the corresponding reparation for that injustice.

We considered colonialism as a paradigmatic case of historical injustice and we explained that it should be conceived as a type of systemic wrong that displays a high degree of complexity in that it comprised of different, though interwoven, structures. Miller's work on historical injustice does not engage with colonialism. This is a serious omission on his part due to the historical relevance of the phenomenon, and especially due to its significance under a liberal nationalist framework; the denial of national self-determination should be at the heart of a theory about national responsibility for historical injustice.

We therefore tested the application of Miller's theory of redress to colonial injustice defined as a complex systemic injustice and we found that his correspondence model reveals its own difficulties in tackling past wrongs of a complex systemic nature. Although our analysis showed that Miller should revise his approach to redress in order to accommodate cases of past injustices like colonialism, we also pointed at another *desideratum* that a plausible theory of redress should incorporate when dealing with complex past injustices. This *desideratum* expresses a concern for the process whereby reparations for past wrongs so characterised are achieved and it demands that the way in which redress is fulfilled avoids the reactivation of their structures.

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## NOTES

1. We will use the terms 'redress' and 'reparations' interchangeably to refer to 'the entire spectrum of attempts to rectify historical injustices'. Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (Baltimore: Johns Hopkins University Press, 2000), xix.
2. David Miller, *On Nationality* (Oxford: Oxford University Press, 1995), 23.
3. David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), 127.
4. *Ibid.*, 137.
5. *Ibid.*, 138.
6. Usually, there are two main objections against redressing historical injustices. (1) Over the centuries, entitlements to land or property might have faded away or they might have merely been superseded by the change of circumstances. George Sher, 'Ancient Wrongs and Modern Rights', *Philosophy & Public Affairs* 10, no. 1 (1981): 11–14; and Jeremy Waldron, 'Superseding Historic Injustice', *Ethics* 103, no. 1 (1992): 15–20. (2) The claims descendants of original victims can make are seriously challenged by the 'non-identity' problem. Nahshon Perez, *Freedom from Past Injustices a Critical Evaluation of Claims for Intergenerational Reparations* (Edinburgh: Edinburgh University Press, 2012), 24–38. A detailed analysis of these well-known objections remains beyond the scope of this paper; however, we notice that: as for (1), no reference to erstwhile entitlements is necessary for understanding the injustice of colonialism, which will be the case of historical injustice we focus on (see below). With regard to (2), liberal nationalists consider nations as historical and ethical communities that outlive their members. Insofar as claimants of redress are identified with nations, it seems that the non-identity problem does not pose a fatal threat to the possibility of historical justice. Kok-Chor Tan, 'National Responsibility, Reparations and Distributive Justice', *Critical Review of International Social and Political Philosophy* 11, no. 4 (2008): 451.
7. Miller, *National Responsibility and Global Justice*, 138–9, 152–9.
8. Catherine Lu, 'Colonialism as Structural Injustice: Historical Responsibility and Contemporary Redress', *Journal of Political Philosophy* 19, no. 3 (2011): 262.
9. United Nations, 'United Nations Declaration of the Granting Independence to Colonial Countries and Peoples', 1960, <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/152/88/IMG/NR015288.pdf?OpenElement/> (assessed April 11, 2013).
10. We acknowledge that making the end of colonialism coincident with the rise of the anti-colonial national movements of the '60s could be problematic. Indeed, not all colonised nations were successful in their fight for independence within this timeframe (e.g. Macau gained independence from Portugal only in 1999). Nevertheless, it is from this point in time that colonialism was officially declared as an impermissible international practice.
11. Lu, 'Colonialism as Structural Injustice'.
12. Conceiving of colonialism as a structural injustice challenges the nation-centred framework endorsed by Miller because it points at the international and transnational processes that made possible the national colonial enterprises. Moreover, it offers a more sophisticated account of responsibility, bringing to light the different responsibilities that members of the 'colonised' group (e.g. the local elite and administration empowered by the colonisers) had in sustaining colonial rule. While we think that these are fundamental aspects of past structural injustices like colonialism, we cast these problems aside in the paper and we focus on how systemic historical injustices call for a more nuanced approach to redress than the one provided by Miller. For a detailed analysis of these issues, see *Ibid.*
13. To hint at the breadth of accounts of colonial exploitation, consider how some argue that it consisted especially in the employment of labour at smaller wages or the purchase of goods at lower prices than those that would have been granted in a free market. David Landes,

- 'Some Thoughts on the Nature of Economic Imperialism', *Journal of Economic History* XXI, no. 4 (1961): 496–512. Others, instead, look at the particularly burdensome system of taxation that colonial powers imposed on their colonies. Joel Mokyr, 'Disparities, Gaps and Abysses', *Economic Development and Cultural Change* 33, no. 1 (1984): 173–8. Marxist theorists have famously interpreted colonial exploitation as exemplifying the inner tendency of capitalism to expand in search of new markets. On the differences among Marxist accounts of colonial exploitation, see Robert Young, *Post-Colonialism: An Introduction* (Oxford: Blackwell Publishers, 1999), 110–11.
14. Lea Ypi, 'What's Wrong with Colonialism', *Philosophy & Public Affairs* 41, no. 2 (2013): 158.
  15. Ronald Horvath, 'A Definition of Colonialism', *Current Anthropology* 13, no. 1 (1972): 45–57.
  16. Rajeev Bhargava, 'How Should We Respond to the Cultural Injustice of Colonialism?', in *Reparations: Interdisciplinary Inquiries*, ed. Jon Miller and Rahul Kumar (Oxford: Oxford University Press, 2007), 217.
  17. For a history of the genocide in Rwanda that focuses on its colonial roots, see Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, NJ: Princeton University Press, 2001).
  18. Frantz Fanon, *The Wretched of the Earth*, trans. Richard Philcox, Reprint edition (New York: Grove Press, 2004).
  19. Ashis Nandy, *The Intimate Enemy: Loss and Recovery of Self Under Colonialism* (Delhi: Oxford University Press, 1983), 3.
  20. Edward Said, 'Orientalism Reconsidered', *Cultural Critique*, no. 1 (1985): 102.
  21. Miller, *National Responsibility and Global Justice*, 251–259. In this context, Miller's critical target is Thomas Pogge who argues that one of the reasons why 'Western' countries have duties of distributive justice towards the 'global poor' is the impact that colonialism had on their development. Thomas Pogge, *World Poverty and Human Rights*, 2nd ed. (Cambridge: Polity Press, 2008), 209–10. Although we are sympathetic to Pogge's analysis and, in general, to those who regard the legacy of colonialism as an important problem of justice, we will not pursue this line of argument here. On this problem see, e.g. Daniel Butt, 'Repairing Historical Wrongs and the End of Empire', *Social & Legal Studies*, 21, no. 2 (2012): 227–42; Jacob T. Levy and Iris M. Young, eds. *Colonialism and Its Legacies* (Lanham, MD: Lexington Books, 2011); Lu, 'Colonialism as Structural Injustice', 278; and Kok-Chor Tan, 'Colonialism, Reparations and Global Justice', in *Reparations: Interdisciplinary Inquiries*, ed. Jon Miller and Rahul Kumar (Oxford: Oxford University Press, 2007), 280–306.
  22. This is Miller's famous distinction between remedial and outcome responsibility. Miller, *National Responsibility and Global Justice*, 82–7.
  23. This entails that even when reparations (e.g. restitution of a stolen good) are granted for a specific wrong (e.g. the seizure of the Koh-i-Noor diamond), they still need to be theorised as part of the redress for a systemic historical injustice (e.g. British imperialism in India). In other words, the fact that these misdeeds were committed within an unjust system must be acknowledged.
  24. We do not mention wrongs of type (III), i.e. wrongs where no benefit was acquired by the wrongdoer, because these wrongs cannot be said not to have occurred during colonialism. Or rather, when episodic wrongs of this kind are considered as a part of colonialism, that is, in a systemic perspective, it is clear that even those instances which did not singularly bring an immediate advantage to the colonising nations were nevertheless components of a system that was not only intended but also took place to their economic and strategic advantage. Young, *Post-Colonialism*.
  25. We thank an anonymous referee for pressing us on this point.

26. The need to overcome these difficulties, while at the same time recognising the complexity of historical injustices like colonialism, is one of the reasons why, elsewhere, we have defended a 'deliberative democratic' approach to redress. Sara Amighetti and Alasia Nuti, 'Towards a Shared Redress: Achieving Historical Justice through Democratic Deliberation', *The Journal of Political Philosophy*, forthcoming.
27. Note that this holds true even though Miller's theory of redress is merely backward-looking. The fact that, for Miller, reparations for colonialism are owed independently from the existing legacy of colonial injustice does not mean that he can neglect such a legacy in thinking about the *way* in which reparations should be established. When colonialism is theorised as a systematic complex injustice, the legacy of colonial structures should significantly shape the process whereby redress is obtained, even when one believes that its legacy is not sufficient to trigger an obligation of historical justice.